

**EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**THE LUTHERAN CHURCH – MISSOURI  
SYNOD, a Missouri nonprofit corporation**  
*Plaintiff,*

v.

**DONALD CHRISTIAN, CHRISTOPHER  
BANNWOLF, CONCORDIA  
UNIVERSITY TEXAS, INC., & JOHN  
DOES 1-12**  
*Defendants*

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**Case No. 1:23-cv-1042-RP**

**DEFENDANT CONCORDIA UNIVERSITY TEXAS, INC.’S  
RESPONSES TO REQUESTS FOR PRODUCTION**

Concordia University Texas (“CTX”), a Defendant in the above-captioned cause, serves its answers to Plaintiff’s Requests for Production pursuant to Rule 34 of the Federal Rules of Civil Procedure.

Respectfully submitted,

*/s/ Daniel R. Richards*

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CONCORDIA UNIVERSITY TEXAS, INC.,  
DONALD CHRISTIAN AND CHRISTOPHER  
BANNWOLF**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of August 2024, I served the above and foregoing document, via email to:

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/s/ Daniel R. Richards

**DANIEL R. RICHARDS**

**CTX'S RESPONSES TO REQUESTS FOR PRODUCTION**

1. The minutes from all CTX Board of Regents meetings from January 2016 to date.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions have no bearing on the legal effect of the Board's November resolutions. CTX will produce board meeting minutes from January 2016 to November 8, 2022.

2. The agendas from all CTX Board of Regents meetings from January 2016 to date.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions have no bearing on the legal effect of the Board's November resolutions. CTX will produce board meeting agendas from January 2016 to November 8, 2022.

3. The notes from all CTX Board of Regents meetings from January 2016 to date.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions have no bearing on the legal effect of the Board's November resolutions. CTX will produce non-privileged notes from the board meetings from January 2016 to November 8, 2022. CTX will produce a log of any responsive documents withheld on the basis of privilege.

4. All documents presented to CTX Board of Regents in meetings held from January 2016 to date.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions have no bearing on the legal effect of the Board's November resolutions. CTX will produce non-privileged documents presented at the board meetings from January 2016 to November 8, 2022. CTX will produce a log of any responsive documents withheld on the basis of privilege.

5. Any recordings of CTX Board of Regents meetings from January 2016 to date.

**RESPONSE:** None

6. Any documents presented to CTX Board of Regents at its November 8, 2022, meeting.

**RESPONSE:** All non-privileged documents responsive to this request will be produced. CTX will produce a log of any responsive documents withheld on the basis of privilege.

7. Any video presentations shown to CTX Board of Regents at its November 8, 2022, meeting.

**RESPONSE:** None

8. Any computer-generated presentations shown to CTX Board of Regents at its November 8, 2022, meeting.

**RESPONSE:** All non-privileged documents responsive to this request will be produced. CTX will produce a log of any responsive documents withheld on the basis of privilege.

9. Any documents presented to CTX Board of Regents at its April 4, 2023, meeting.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions have no bearing on the legal effect of the Board’s November resolutions. CTX further objects to the extent this request seeks documents protected by the attorney-client and work product privilege.

10. Any video presentations shown to CTX Board of Regents at its April 4, 2023, meeting.

**RESPONSE:** None

11. Any computer-generated presentations shown to CTX Board of Regents at its April 4, 2023, meeting.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions have no bearing on the legal effect of the Board’s November resolutions. CTX further objects to the extent this request seeks documents protected by the attorney-client and work product privilege.

12. Any communications between officers or agents of CTX and The LCMS regarding CTX amendments to its governing documents or policies occurring between 2021 to the present (these amendments are collectively referred to as “CTX Amendments”).

**RESPONSE:** Objection – Communications with Plaintiff are equally available to Plaintiff. Please refer to documents previously produced and Bates numbered CTX\_000128-000371. Additionally, CTX is conducting a search for further communications responsive to this request and will produce all responsive documents in its possession.

13. The communications between members of CTX Board of Regents relating to CTX Amendments, including communications leading up to the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

**RESPONSE: Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions and communications have no bearing on the legal effect of the Board’s November resolutions. CTX is conducting a search for communications responsive to this request and will produce all relevant, non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.**

14. The communications between any member of CTX Board of Regents and Defendant Christian relating to CTX Amendments, including communications leading up to the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

**RESPONSE: Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions and communications have no bearing on the legal effect of the Board’s November resolutions. CTX is conducting a search for communications responsive to this request and will produce all relevant, non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.**

15. The communications between any member of CTX Board of Regents and Kristi Kirk relating to CTX Amendments, including communications leading up to the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

**RESPONSE: Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions and communications have no bearing on the legal effect of the Board’s November resolutions. CTX is conducting a search for communications responsive to this request and will produce all relevant, non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.**

16. The communications between any member of CTX Board of Regents and Defendant Bannwolf relating to CTX Amendments, including communications regarding the passing of CTX Amendments and the April 4, 2023, Board of Regents meeting reaffirming the passing of CTX Amendments.

**RESPONSE: Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions and communications have**

no bearing on the legal effect of the Board's November resolutions. CTX is conducting a search for communications responsive to this request and will produce all relevant, non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.

17. Any preliminary drafts of The CTX Amendments.

**RESPONSE:** Objection – Any documents responsive to this request are subject to attorney-client privilege and/or work product privilege. CTX will produce a log of any responsive documents withheld on the basis of privilege.

18. The communications between members of CTX Board of Regents relating to the effect of CTX Amendments.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board resolutions are a matter of record, and subsequent actions and communications have no bearing on the legal effect of the Board's November resolutions. CTX is conducting a search for communications responsive to this request and will produce all relevant, non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.

19. The communications between any member of CTX Board of Regents and anyone other than another board member, Defendant Christian, Defendant Bannwolf or Kristi Kirk relating to the effect of CTX Amendments.

**RESPONSE:** Objection – Defendants object to this request for production to the extent it seeks communications sent after November 8, 2022. Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. Nowhere in Plaintiff's complaint is there any allegation or relief sought with regard to communications which occurred after the Board actions. The Board actions are a matter of record and the requested communications have no bearing on the legal effect of the Board actions. The identities of individual recipients of the requested communications are irrelevant and there is no likelihood that discovery of the communications or the identities of the recipients of those communications will lead to the discovery of admissible evidence. CTX is concerned that Plaintiff will use this information to interfere with the operation of CTX and its relationships with its students, staff, regents, alumni, and others, therefore Defendants further object that this request seeks information not for the purpose of discovery but for the purposes stated above.

CTX is conducting a search for communications dated prior to November 8, 2022 that are responsive to this request and will produce all relevant, non-privileged documents in its possession. CTX will produce a privilege log of any responsive documents withheld on the basis of privilege.

20. The documents reflecting real property owned by CTX, or in which CTX has an ownership interest, even if that interest is subject to a lien or any other encumbrance.

**RESPONSE:** See documents previously produced and Bates numbered CTX\_000004-000017. Additional documents responsive to this request, if any, will be produced.

21. The documents reflecting any attempt to sell or otherwise market real property owned by CTX, or in which CTX has an ownership interest, even if that interest is subject to a lien or any other encumbrance.

**RESPONSE:** Objection – CTX’s attempts to sell or otherwise market real property, if any, are irrelevant to claims brought by Plaintiff.

22. The communications between CTX Board of Regents members regarding the seating of board members following the passage of CTX Amendments.

**RESPONSE:** Objection – Any documents responsive to this request are subject to attorney-client privilege and/or work product privilege. CTX will produce a log of any responsive documents withheld on the basis of privilege.

23. The communications between any CTX Board of Regents member and Defendant Christian regarding the seating of board members following the passage of CTX Amendments.

**RESPONSE:** Objection – Any documents responsive to this request are subject to attorney-client privilege and/or work product privilege. CTX will produce a log of any responsive documents withheld on the basis of privilege.

24. The communications between any CTX Board of Regents member and Kristi Kirk regarding the seating of board members following the passage of CTX Amendments.

**RESPONSE:** Objection – Any documents responsive to this request are subject to attorney-client privilege and/or work product privilege. CTX will produce a log of any responsive documents withheld on the basis of privilege.

25. The communications between any CTX Board of Regents member and Defendant Bannwolf regarding the seating of board members following the passage of CTX Amendments.

**RESPONSE:** Objection – Any documents responsive to this request are subject to attorney-client privilege and/or work product privilege. CTX will produce a log of any responsive documents withheld on the basis of privilege.

26. Any communications with individual donors regarding CTX’s actions in passing CTX Amendments.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. Nowhere

in Plaintiff's complaint is there any allegation or relief sought with regard to communications with donors. The Board actions are a matter of record and the requested communications have no bearing on the legal effect of the Board actions. The content of the communications and the identities of individual recipients of the requested communications are irrelevant and there is no likelihood that discovery of the content or the identities will lead to the discovery of admissible evidence. CTX is concerned that Plaintiff will use this information to interfere with the operation of CTX and its relationships with its students, staff, regents, alumni, and others, therefore Defendants further object that this request seeks information not for the purpose of discovery but for the purposes stated above.

27. Any communications with any individual (other than your attorneys) advising CTX regarding CTX Amendments.

**RESPONSE:** Objection – Any documents responsive to this request are subject to attorney-client privilege and/or work product privilege. CTX will produce a log of any responsive documents withheld on the basis of privilege.

28. The financial statements on a quarterly basis and annual basis of CTX including balance sheet, income statements, general ledger and audit reports from 2016 to present.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. The Board actions are a matter of record, and subsequent actions have no bearing on the legal effect of the Board actions. Financial statements contained in CTX board agenda packets from 2016 to 2022 will be produced.

29. Any communication between CTX and any accreditation or governance organization regarding CTX's status within The LCMS as well as CTX Amendments.

**RESPONSE:** Documents responsive to this request will be produced.

30. Any communication between CTX and the faculty at CTX regarding CTX's status within The LCMS as well as CTX Amendments.

**RESPONSE:** Documents responsive to this request will be produced.

31. Any communication between CTX and the church workers at The LCMS regarding CTX's status within The LCMS as well as CTX Amendments.

**RESPONSE:** Documents responsive to this request will be produced.

32. Any correspondence from the individual recipients in response to Defendant Christian's email, dated November 9, 2022 (CTX 000247).

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. Nowhere



in Plaintiff's complaint is there any allegation or relief sought with regard to the referenced email communication, which occurred after the Board actions. The Board actions are a matter of record and the referenced email communication has no bearing on the legal effect of the Board actions. The identities of individual recipients of the referenced email and the responses to the referenced email, sent after the Board action, are irrelevant and there is no likelihood that discovery of the identities of the recipients or their responses to the referenced email will lead to the discovery of admissible evidence. CTX is concerned that Plaintiff will use this information to interfere with the operation of CTX and its relationships with its students, staff, regents, alumni, and others, therefore Defendants further object that this request seeks information not for the purpose of discovery but for the purposes stated above. CTX further objects to the extent this request seeks documents protected by the attorney-client and work product privilege.

33. Any documents indicating the total enrollment of CTX from January 2016 to present.

**RESPONSE: Documents responsive to this request will be produced.**

34. Any documents reflecting a breakdown of categories of CTX students, including residential, on-line, graduate and commissioned workers from January 2016 to present.

**RESPONSE: Documents responsive to this request will be produced.**

35. The correspondence between CTX and Concordia Plan Services ("CPS") relating to CTX's withdrawal from any of the plans administered by CPS.

**RESPONSE: Objection – This information is equally available to Plaintiff as it is to Defendant. See documents previously produced and Bates numbered CTX\_000161 and CTX\_000375-000377. Additionally, CTX is conducting a search for further communications responsive to this request and will produce all responsive documents in its possession.**

36. The correspondence between CTX and the Texas District of The LCMS, or its officers, regarding CTX Amendments.

**RESPONSE: CTX is conducting a search for documents responsive to this request and will produce all, non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.**

37. The correspondence between CTX and the Texas District of The LCMS, or its officers, regarding the seating of CTX Board of Regents members since January 1, 2016.

**RESPONSE: All non-privileged documents responsive to this request will be produced. CTX will produce a log of any responsive documents withheld on the basis of privilege.**

38. Any documents relating to CTX's refusal to seat regents elected at the 2023 Synod Convention.

**RESPONSE:** All non-privileged documents responsive to this request will be produced. CTX will produce a log of any responsive documents withheld on the basis of privilege.

39. Any documents relating to resolutions adopted at the 2023 Synod Convention including all documents relating to Defendant Christian's, Defendant Bannwolf's or CTX's reactions or responses to these resolutions.

**RESPONSE:** Objection – Plaintiff claims that the actions of the Board of Regents on November 8, 2022, are void and alternatively seeks damages based on those actions. Nowhere in Plaintiff's complaint is there any allegation or relief sought with regard to the referenced resolutions, which occurred after the Board actions. Documents related to the resolutions adopted at the 2023 Synod Convention have no bearing on the legal effect of the Board actions. CTX further objects to the extent this request seeks documents protected by the attorney-client and work product privilege.

40. Any documents reflecting how each individual member of the CTX Board of Regents voted relating to each of the key resolutions presented in meetings on November 8, 2022, and April 4, 2023, as well as any documents reflecting the views of such members relating to CTX's changes to its governing documents and policies.

**RESPONSE:** Objection – The Board of Regents of CTX was, and is, elected in compliance with the CTX bylaws and Articles of Incorporation. The CTX Board of Regents acted, and continues to act, in accordance with the bylaws and Articles of Incorporation. The complaints in this lawsuit seek relief against CTX for actions taken by the Board of Regents as a unitary body, which are reflected in the resolutions and minutes as recorded by the Board Secretary. Votes by individual regents are irrelevant to any claims or relief sought in this lawsuit. Further, CTX does not record individual votes by regents unless they are contained in the meeting minutes which are being produced. CTX further objects to the extent this request seeks documents protected by the attorney-client and work product privilege.

41. The correspondence between CTX and Texas District of The LCMS, or its officers, regarding the current lawsuits between CTX and The LCMS.

**RESPONSE:** CTX is conducting a search for documents responsive to this request and will produce all non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.

42. The correspondence between CTX and the Texas District of The LCMS regarding the current dispute between CTX and The LCMS.

**RESPONSE: CTX is conducting a search for documents responsive to this request and will produce all non-privileged documents in its possession. CTX will produce a log of any responsive documents withheld on the basis of privilege.**

43. The documents reflecting any mortgages on real property owned by CTX including, but not limited to, deeds, loan agreements, security interest agreements, and guarantee agreements.

**RESPONSE: Documents responsive to this request will be produced.**

44. Any appraisals or valuations of real property owned by CTX, conducted within the last 10 years.

**RESPONSE: Documents responsive to this request, if any, will be produced.**

45. All correspondence between CTX and any and all insurers, including but not limited to any reservation of rights letters from Hanover.

**RESPONSE: All non-privileged documents responsive to this request will be produced. CTX will produce a log of any responsive documents withheld on the basis of privilege.**

46. All documents or contracts reflecting existing or future obligations under contracts or security against indebtedness that either involve real estate or a portion of operating revenue/expense budgets. This shall include but not be limited to any agreements that promise revenues from a dorm, revenues from a cafeteria or revenues from students.

**RESPONSE: Objection – The term “future obligations” is vague and undefined. As a result, this request for production is overly broad, unduly burdensome and not reasonably tailored to lead to the discovery of admissible evidence. In attempt to be responsive, selected documents responsive to this request will be produced.**